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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/697,934

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Filing Date

10/31/2003

First Named Inventor

Huang, MingUS PATENT & TRADEMARK
OFFICE

Art Unit

3751

Examiner Name

Walczak, David J

Attorney Docket Number

BP3029-H47-P15**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form
☐ Fee Attached
☐ Amendment/Reply
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement

- ☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation
Change of Correspondence Address
☐ Terminal Disclaimer
☒ Request for Refund
☐ CD, Number of CD(s) _____
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☐ Other Enclosure(s) (please identify below):

- ☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/Incomplete Application
☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

Remarks

please refund \$500 which was overpaid on August 17 2005 (encl.1) and approved by the Senior Petitions Attorney Christina Tartera Donnel (encl.2) can be refunded to the Deposit Account no.503459.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Huang, Ming</i>		
Printed name	Huang, Ming		
Date	12/30-2005	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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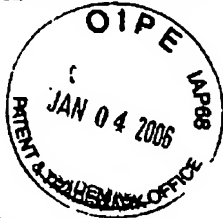
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Huang Ming
Application No. 10/697,934
Filed: October 31, 2003
Attorney Docket No. BP3029-H47-P15

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2005, to revive the above-identified application.

On March 31, 2004, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability, which set a three-month statutory period for reply. The Notice of Allowance indicated that applicant must submit a \$665.00 issue fee and a \$300.00 publication fee by June 30, 2004, to avoid abandonment. The Notice of Allowability required applicant to submit Corrected Drawings (as "replacement drawings") including changes required by the Examiner's Amendment attached to the Notice. Applicant did not submit a response to either Notice within the specified period for reply. Accordingly, the application became abandoned on July 1, 2004. A Notice of Abandonment was mailed on August 2, 2004.

Applicant has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Applicant submitted the required reply in the form of corrected drawings and payment of the issue and publication fees. Additionally, applicant paid the petition fee and made the proper statement of unintentional delay.

Accordingly, the petition under 37 CFR 1.137(b) is granted.

As previously stated in the decision dismissing the petition under 37 CFR 1.137(a) dated September 27, 2005, applicant authorized the Office to charge the Deposit Account for a \$750.00 petition fee. The small entity fee for filing a petition to revive an unavoidably abandoned application is \$250.00. Unfortunately, the Office mistakenly charged the Deposit Account for two petition fees, totaling \$1,500.00. Because applicant chose to file a "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," the \$750.00 petition fee will be deducted from the amount the Office overcharged. Applicant may request a refund of the balance of \$500.00. Any request for a refund must be made in writing to the following address:

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Application No. 10/697,934

Page 2

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany applicant's request.

This matter is being referred to the Office of Patent Publication for issuance of a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Draftsperson's Patent Drawing Review

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Account No.	503459
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Page	1

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DATE POSTED		CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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11	05	30	10697934	BP3029-H47-P15	2453	750.00	1080.00
17	05	13	10697934		2453	750.00	330.00
24	05	116	11207753		2011	150.00	180.00
24	05	117	11207753		2311	100.00	80.00
25	05	124	11207753		8021	40.00	40.00
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

BP3029-H47-P15

First Named Inventor: **Huang Ming**

Art Unit: **3751**

Application Number: **10/697,934**

Examiner: **Walczak, David J**

Filed: **10/31/2003**

Title: **Light-emitting pen with pullable cover**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ **750** (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (Identify the type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B The issue fee of \$ **985**

- ☒ has been filed previously on **11/18/2004**
- ☐ is enclosed herewith.

[Page 1 of 3]

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11/28/2005 AKELLEY 00000007 503459
01 FC:2452 250.00 DA
02 FC:1999 500.00 DA
Adjustment date: 01/19/2006 SDENR081
11/28/2005 AKELLEY 00000007 503459
02 FC:1999 500.00 CR

AKELLEY 00000012 503459 10697934
Adjustment Date: 11/28/2005
08/17/2005 TBESHAI 00000012 503459
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